

- a<sup>2</sup>  
end*
- a. contacting one or more test agents with a cell that expresses a wild-type patched protein and identifying test agents that change the level of *patched*-dependent intracellular signal transduction relative to the absence of test agent;
  - b. contacting test agents identified in step (a) with a cell having a patched loss-of-function phenotype and selecting *these* test agents that reverse at least in part the patched loss-of-function phenotype; and
  - c. preparing a formulation including a test agent selected in step (b) and a pharmaceutically acceptable diluent.
60. (new) The method of claim 59, wherein the cell having a patched loss-of-function phenotype is a basal cell carcinoma.

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#### Remarks

Claim 49 is amended, claims 1-48 are canceled, and claims 50-60 are added. Upon entry of the amendment, the pending claims are 49-60. No new subject matter is added. Claims 1-48 are canceled in response to the restriction requirement.

#### The Claims Comply with 35 USC §112

The amendment to the claims is believed to obviate the Examiner's rejection under section 112, first and second paragraph.

Applicants note the amendments are not being made in acquiesce to the Examiner's rejections, rather, the amendments are made to expedite prosecution of claims covering certain commercially important embodiments for the subject invention. Applicants reserve the right to present the cancelled subject matter in this or other continuing applications.

#### The Claimed Subject Matter is Patentable over the Art

Applicants note with appreciation that the Examiner has indicated that the claimed subject matter is patentably distinct from the art of record.

#### Conclusion

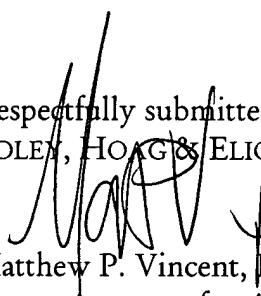
In view of the above amendments and remarks, it is believed that this application is in condition for allowance. If a telephone conversation with Applicant's Attorney would

expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

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